

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT  
FOR DAMAGES FOR INDIVIDUAL  
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Clifton Powell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

Kentucky

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Kentucky

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Kentucky

7. District Court and Division in which venue would be proper absent direct filing:

U.S.D.C. for the Eastern District of Kentucky

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

€ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

€ Eclipse<sup>®</sup> Vena Cava Filter

X € Meridian<sup>®</sup> Vena Cava Filter

€ Denali<sup>®</sup> Vena Cava Filter

€ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

4/11/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable (Insert State)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

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RESPECTFULLY SUBMITTED this 8 th day of January, 2020.

MCSWEENEY/LANGEVIN LLC

By: /s/ David M. Langevin

David M. Langevin  
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